

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4699

IN THE MATTER OF:

Served November 16, 1995

Application to Transfer Certificate)  
No. 45 from J&B TRANSPORTATION )  
COMPANY, INC., to JOHN AND )  
BOLDEN, INC. )

Case No. AP-95-43

J&B TRANSPORTATION COMPANY, INC., )  
Suspension and Investigation of )  
Revocation of Certificate No. 45 )

Case No. MP-95-75

By application accepted for filing September 29, 1995, J&B Transportation Company, Inc. (transferor), and John and Bolden, Inc., a District of Columbia corporation (transferee), (collectively applicants), seek Commission approval of the transfer of assets, including Certificate of Authority No. 45, from the former to the latter. Certificate No. 45 was automatically suspended on August 23, 1995, for transferee's failure to maintain an effective certificate of insurance on file with the Commission.

The application was noticed, and the two proceedings consolidated, in Order No. 4674, served October 5, 1995. Applicants were directed to publish further notice in a newspaper and file an affidavit of publication and a statement addressing the effect of the transfer on the interests of affected employees. Applicants complied. The application is unopposed.

SUMMARY OF EVIDENCE

The application includes information regarding, among other things, transferee's corporate status, carrier affiliations, facilities, proposed tariff, finances, and regulatory compliance record.

Transferee proposes conducting operations with three vans under the rates published in transferor's current tariff. Two of transferor's employees will be employed by transferee.

Transferee filed a balance sheet as of September 14, 1995, showing assets of \$29,100; liabilities of \$12,000; and equity of \$17,100. Transferee's projected operating statement for the first twelve months of WMATC operations shows income of \$166,000; expenses of \$121,017; and net income of \$44,983.

Transferee certifies it has access to, is familiar with, and will comply with the Compact, the Commission's rules and regulations, and United States Department of Transportation regulations relating to transportation of passengers for hire. Transferee further certifies

that neither transferee nor any person controlling, controlled by, or under common control with transferee has any control relationship with a carrier other than transferee.

#### DISCUSSION AND CONCLUSION

Under Article XI, Section 11(a), and Article XII, Section 3(a)(ii), of the Compact, the Commission may approve the proposed transfer of assets, including Certificate of Authority No. 45, if the Commission finds said transfer to be in the public interest. The public interest analysis focuses on the transferee's fitness, the resulting competitive balance, the benefits to the riding public and the interests of affected employees.<sup>1</sup>

The Commission finds transferee to be fit, willing, and able to perform the proposed transportation properly and to conform with applicable regulatory requirements. There should be no adverse impact on the competitive balance since transferee is merely stepping into the shoes of transferor. The public benefits are self-evident and were established when transferor acquired its certificate. Transferor's employees will not be substantially affected. We therefore find that the proposed transfer is consistent with the public interest.

#### THEREFORE, IT IS ORDERED:

1. That the transfer of assets, including Certificate of Authority No. 45, is hereby conditionally approved, contingent upon transferee's timely compliance with the requirements of this order.

2. That transferee is hereby directed to file the following documents with the Commission: (a) evidence of insurance pursuant to Commission Regulation No. 58 and Order No. 4203; (b) an original and four copies of a tariff or tariffs in accordance with Commission Regulation No. 55; (c) an equipment list stating the year, make, model, serial number, vehicle number, license plate number (with jurisdiction) and seating capacity of each vehicle to be used in revenue operations; (d) evidence of ownership or a lease as required by Commission Regulation No. 62 for each vehicle to be used in revenue operations; (e) proof of current safety inspection of said vehicle(s) by or on behalf of the United States Department of Transportation, the State of Maryland, the District of Columbia, or the Commonwealth of Virginia; and (f) a notarized affidavit of identification of vehicles pursuant to Commission Regulation No. 61, for which purpose WMATC No. 45 is hereby reassigned.

3. That upon timely compliance with the requirements of the preceding paragraph and acceptance of the documents required by the Commission, Certificate of Authority No. 45 shall be reissued to John and Bolden, Inc., 2304 E Street, N.E., Washington, DC 20002.

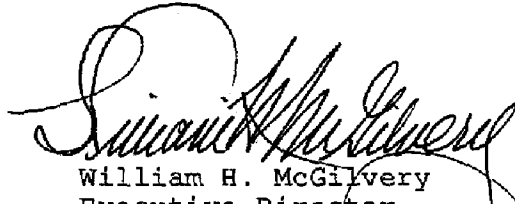
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<sup>1</sup> In re Franklin Charter Bus, Inc., & Franklin Motorcoach, Inc.,  
No. AP-95-02, Order No. 4474 (Jan. 11, 1995).

4. That transferee may not transport passengers for hire between points in the Metropolitan District pursuant to this order unless and until a certificate of authority has been issued in accordance with the preceding paragraph.

5. That unless transferee complies with the requirements of this order within 30 days from the date of its issuance, or such additional time as the Commission may direct or allow, the approval of transfer shall be void and the application shall stand denied in its entirety effective upon the expiration of said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND SHANNON:



William H. McGilvery  
Executive Director